

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM CROSKEY,

Plaintiff,

v.

BMW OF NORTH AMERICA, ET AL.,

Defendants.

Case No. 02-73747

Honorable Nancy G. Edmunds

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
OBJECTIONS TO THE MAGISTRATE JUDGE'S MEMORANDUM OPINION AND
ORDER [136]**

This matter comes before the Court on Magistrate Judge Paul J. Komives's Memorandum Opinion and Order (Magis. Order) of February 18, 2005, regarding Defendant's access to Plaintiff's treating physician for an *ex parte* interview in preparation for trial. Defendant¹ has filed Objections, arguing that the Magistrate erred as a matter of law on two grounds: First, in finding that the Health Insurance Portability and Accountability Act ("HIPAA") preempts Michigan law regarding physician-patient privilege, and second, in finding that a "qualified protective order" under HIPAA should contain requirements not expressly provided by the HIPAA regulations.

This Court has reviewed the Magistrate's Opinion and Order, the parties' moving papers, the briefs of *amici curiae* Michigan Hospital Association, Michigan Trial Lawyers Association, and ProNational Insurance Company, and the relevant law.

¹Defendants BMW of North America (BMW NA) and Bayerische Motoren Werk Aktiengesellschaft (BMW AG) are singularly referred to as "Defendant."